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Reply to: Theresa Noble Hill
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May 22, 2007

Via Email and Mail

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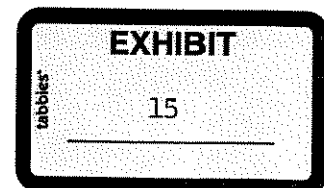
Re: *State of Oklahoma v. Tyson*
Our File No. 1790-2

Gentlemen:

Pursuant to Judge Joyner's Order on the Cargill Defendants' ('Cargill's') Motion to Compel, Dkt. #1150 ("Order"), please provide dates to complete the document productions at agencies/offices previously visited in compliance with the Order.

As Judge Joyner's Order did not provide a date for your supplemental responses to Cargill Interrogatory Numbers 9 and 13, please provide your supplemental responses immediately or provide us with your proposed response date.

We have previously requested that you include additional agencies in our ESI discussions and disclosures, in particular, Oklahoma Corporation Commission, Oklahoma Department of Health, and Oklahoma Department of Mines. Pursuant to Judge Joyner's May 17, 2007 Order, we are again writing to express our request to obtain ESI and documents from these three agencies. Upon receipt of your list of represented agencies, we expressly reserve the right to request ESI and documents from additional agencies that you may identify. Furthermore, our co-Defendants may request ESI and documents from other agencies, offices, or departments of the State of Oklahoma in response to their specific discovery requests.



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At the Oklahoma Corporation Commission, we would expect to find ESI and documents responsive to our Requests for Production Numbers: 4, 6, 8, 11, 12, 13, 14, 18, 19, 21, 25, 26, 27, 28, 30, 39, 40, 41, 42, 44, 45, 52, 53, and 55.

To the extent that any documents or ESI are maintained at the Department of Health from the period of time before ODEQ existed and ODEQ's present functions were carried out by the Department of Health, we would expect any such documents and ESI to be included in your production responsive to our discovery. In addition, we would expect the Oklahoma Department of Health to maintain documents and ESI responsive to our Requests for Production Numbers: 4, 13, 14, 25, 26, 27, 28, 30, 31, 33, 36, 40, 41, 42, 45, 46, 47, 48, 53, 55, and 56.

At the Oklahoma Department of Mines, we would expect to find ESI and documents responsive to our Requests for Production Numbers: 6, 8, 11, 12, 13, 14, and 41.

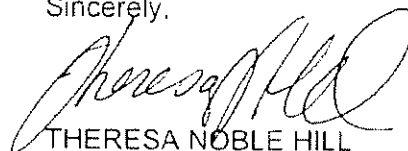
We provide the numbers of our specific Requests for Production only to clarify our request for ESI from these agencies in response to our Requests for Production of Documents. However, the State continues to bear the burden of determining which agencies may maintain responsive documents and ESI. Should the State determine that there are responsive documents or ESI at these agencies responsive to any other Requests for Production, we request such ESI and documents also.

We remain willing to confer to prepare a comprehensive schedule for the document production at the remaining agencies as required by the Order. Please advise when you are available to have such a discussion.

Finally, the Court requested in its Order that the Cargill Defendants clarify their position on the "commingling" of documents responsive to their requests with those responsive to the requests of other defendants. As we have consistently indicated since the State first proposed producing documents responsive to several requests simultaneously, we do not oppose the State's attempts to produce documents in the most reasonable cost- and time-efficient manner possible. However, our agreement to any particular method is contingent upon the State's agreement and ability to clearly identify or segregate which of the produced documents are purported to respond specifically to the discovery requests of the Cargill Defendants. As indicated by Cargill's motion and the Court's Order, the indices provided by the State, to date, have proven insufficient for this purpose. Nevertheless, we are willing to consider any other proposals the State may have toward satisfying this obligation.

Thank you for your attention..

Sincerely,



THERESA NOBLE HILL

TNH:law
cc: David Riggs